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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,202	03/08/2004	Richard Blackmore	V-043	6233
26328	7590	09/20/2005	EXAMINER FISCHER, JUSTIN R	
LAW OFFICE OF DAVID MCEWING P.O. BOX 231324 HOUSTON, TX 77023			ART UNIT 1733	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,202

Applicant(s)

BLACKMORE ET AL.

Examiner

Justin R. Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 35-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of a method of arranging a pipe support (claims 1-34) in the reply filed on June 30, 2005 is acknowledged. However, upon further review, claims 1-34 are actually directed to three patentably distinct methods as set forth below.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20 and 30-33, drawn to a method of inserting a coiled support into a pipe, wherein said support has a larger diameter than the inner surface of the pipe, classified in class 156, subclass 293.
 - II. Claims 21-29, drawn to a method of inserting and heating a coiled support and further introducing/injecting a reactant into the ground, classified in class 156, subclass 293.
 - III. Claim 34, drawn to a method of impregnating a support and arranging said support on the outside of a pipe, classified in class 138, subclass 97.
3. Inventions I and II are directed to different inventions, each having a unique and separate means for establishing patentability. Invention I requires the use of a coiled support having a larger diameter than the inner surface of the pipe wall, while Invention II requires the injection of a reactant into the ground and heating said support. It is evident that Invention I fails to require the injection and heating steps and Invention II fails to require the relationship between the diameter of the support and the pipe. Thus,

Art Unit: 1733

the respective inventions contain patentably distinct subject and as such, they are properly restrictable.

4. Inventions I and III are directed to different inventions, each having a unique and separate means for establishing patentability. Invention I requires the placement of a coiled support in the interior annulus of the pipe, while Invention III requires a tension un-winding step and the placement of a support around the outer pipe wall. It is evident that Invention I fails to require a tension un-winding step and the placement of said support on the outside of the pipe wall and Invention III fails to require the placement of a support in the interior annulus of the pipe. Thus, the respective inventions contain patentably distinct subject and as such, they are properly restrictable.

5. Inventions II and III are directed to different inventions, each having a unique and separate means for establishing patentability. Invention II requires the placement of a coiled support in the interior annulus of the pipe, while Invention III requires a tension un-winding step and the placement of a support around the outer pipe wall. It is evident that Invention II fails to require a tension un-winding step and the placement of said support on the outside of the pipe wall and Invention III fails to require the placement of a support in the interior annulus of the pipe. Thus, the respective inventions contain patentably distinct subject and as such, they are properly restrictable.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 1733

7. A telephone call was made to David McEwing on September 14, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

September 16, 2005